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7

8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 ASHLEY L. ELLIOTT,

15 Defendant.  
16

Case No. 5:22-po-00146-CDB

JOINT STATUS REPORT AND MOTION FOR  
EARLY TERMINATION OF PROBATION;  
[PROPOSED] ORDER

Hon. Christopher D. Baker

17 On December 6, 2023, defendant Ashley L. Elliott pled guilty to a violation of 36 C.F.R.  
18 § 4.22(a)(3), unsafe operation of a motor vehicle. That same date, the Court sentenced Ms. Elliott  
19 to 12 months of unsupervised probation, with the conditions that Ms. Elliott obey all laws; pay a  
20 \$500 fine, \$30 processing fee, and \$10 special assessment, for a total financial obligation of  
21 \$540, due by June 6, 2023; and attend AA or an equivalent program one time per week for six  
22 weeks beginning no later than January 3, 2023. The Court also ordered Ms. Elliott to submit a  
23 status report to the Court by June 6, 2023, documenting her compliance with the conditions of  
24 probation. At the sentencing hearing, the Court noted that, if Ms. Elliott paid the financial  
25 obligation in full and attended AA or an equivalent program as instructed, “we may be in a  
26 position to talk about early termination of probation.”

27 Pursuant to the Court’s order, the parties hereby file this status report. As evidenced by  
28 Exhibit A, Ms. Elliott timely paid the \$540 ordered by this Court. Moreover, on April 18, 2023,

Ms. Elliott, through counsel, filed proof of attendance at six Alcoholics Anonymous meetings between December 12, 2022, and February 13, 2023. *See* ECF #19. Finally, counsel for the government has run a criminal history check and confirmed that Ms. Elliott has obeyed all laws while on probation, with the exception of a January 21, 2023 traffic infraction that she promptly reported to the government. The traffic infraction was a speeding violation (75 in a 65 mile-per-hour zone) and Ms. Elliott has paid the ticket.

In light of Ms. Elliott's compliance, the parties jointly move for early termination of her term of probation. Title 18, United States Code, Section 3564(c) grants this Court the power to terminate a term of probation at any time in a misdemeanor case, pursuant to the provisions of Federal Rule of Criminal Procedure Rule 32.1(c)<sup>1</sup>, provided the Court is satisfied that such action is warranted by the conduct of the defendant and in the interests of justice. *See* 18 U.S.C. § 3564(c); *see also United States v. Ponce*, 22 F.4th 1045 (9th Cir. 2022) (clarifying that early termination of supervised release is not just reserved for rare cases involving exceptionally good behavior).

In this case, Ms. Elliott's conduct and the interests of justice warrant early termination. Since this Court last saw her on December 6, 2023, Ms. Elliott graduated from the HVAC certification program she was attending at the time of her sentencing hearing, and she is currently working on the maintenance team at the resort in Death Valley National Park. She has plans to move out of state in December to pursue a better paying job. Furthermore, Ms. Elliott recently celebrated seven months of sobriety. In light of Ms. Elliott's progress over the last six months and her compliance with the conditions of probation, the parties agree that early termination of probation is warranted.

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<sup>1</sup> Federal Rule of Criminal Procedure 32.1(c)(1) generally requires "a hearing, at which the person has the right to counsel and an opportunity to make a statement and present any information in mitigation." However, no hearing is required if the defendant waives the hearing. Fed. R. Crim. P. 32.1(c)(2)(A). Nor is a hearing required if the relief is favorable to the defendant and the government does not object. Fed. R. Crim. P. 32.1(c)(2)(A) and (B). Under both provisions, no hearing is required here.

Respectfully submitted,

PHILLIP A. TALBERT  
United States Attorney

Date: June 2, 2023

/s/ Chan Hee Chu  
CHAN HEE CHU  
Special Assistant United States Attorney  
Attorney for Plaintiff

HEATHER E. WILLIAMS  
Federal Defender

Date: June 2, 2023

/s/ Erin Snider  
ERIN SNIDER  
Assistant Federal Defender  
Attorney for Defendant  
ASHLEY ELLIOTT

**ORDER**

Pursuant to 18 U.S.C. § 3564(c), the Court hereby terminates Defendant Ashley Elliott's term of probation.

IT IS SO ORDERED.

Dated: **June 2, 2023**

  
UNITED STATES MAGISTRATE JUDGE